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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,367	11/25/2005	Giorgio Oppici	38197	4650
116 7590 08/03/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER SHARMA, RASHMI K	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 08/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/533,367

Applicant(s)

OPPICI

Examiner

Rashmi K. Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/29/05.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10-23 are replete with insufficient antecedent basis. A few examples are as follows: claim 10 recites the limitation "said manipulating station" in line 2; claim 10 line 5 recites "the axes"; claim 10 line 7 recites "the movement"; claim 10 line 8 recites "the advancing". Correction is required.

Claim 12 recites "...a second appendage (8b) being integral with a rod (9) which can slide inside a corresponding cylinder...". It is unclear as to exactly how the second appendage slides *inside* a corresponding cylinder. It appears that Applicant's second appendage *surrounds* a corresponding cylinder. Further clarification is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13 and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Pinxteren et al. (US Patent Application Publication US 2003/0134019).

Van Pinxteren et al. discloses an apparatus for sorting packages comprising means (1) for supplying the packages (P) to at least a station (3) for their manipulation and orientation, said manipulating station (3) comprising at least a manipulator head or gripping means (17), a belt conveyor (10, 11) associated with the manipulating station, the manipulator head (17) being movable by translation according to the axes of an orthogonal Cartesian triad and by rotating about a substantially vertical axis for orienting the packages on an upper surface of a conveyor belt contemporaneously to the movement of the packages caused by the advancing of the conveyor belt, wherein the gripping means (17) are grippers provided with gripping appendages, a first appendage (18) being integral with the structure of the manipulator head (17) and a second appendage (carriage surrounding the rods 16) being integral with a rod (16) which can slide inside a corresponding cylinder (16) obtained in the structure of the head.

Van Pinxteren et al. also disclose a guide (16) transverse relative to a direction of advance of the conveyor belt, the guide translating on rails (4, 5, 6) according to a direction that is substantially parallel to the direction of advance of the conveyor belt wherein the manipulator head (17) being movable by sliding on the guide (16), wherein the conveyor belt is flat and defines a single substantially horizontal plane and wherein

the conveyor belts are positioned externally to the manipulating station and they unload the packages on the belt conveyor associated with the manipulating station.

Van Pinxteren et al. fail to disclose said means for supplying the packages comprising a pair of conveyor belts.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second supply conveyor having packages to be oriented, as it is well known in the art to provide for supplying for twice the amount of packages to be oriented in order for the conveyor system to run more efficiently.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Pinxteren et al. (US Patent Application Publication US 2003/0134019) in view of Fallas et al. (US Patent number 6,540,063).

Van Pinxteren et al. fail to disclose each conveyor belt associated with an actuating motor, a sensor or a photocell for detecting the presence of a package on the belt and a processor .

Fallas et al. does disclose a conveyor belt associated with an actuating motor (read claim 7), a sensor or photocell (40) for detecting the presence of a package on the belt and a processor (read claim 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a motor, sensor and processor to Van Pinxteren et al.'s invention, as taught by Fallas et al. in order to provide for a conveyor orienting system capable of timely sensing and conveying a product from one conveyor to another. While Van Pinxteren et al. does not explicitly disclose a motor, sensor and a processor

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for controlling the product manipulation, it would be well within the purview of one having ordinary skill in the art to realize that Van Pinxteren et al.'s invention would not function without a motor, sensor and a processor.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashmi K. Sharma whose telephone number is 571-272-6918. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER